

Absent

| | |
|-------------------|------------------|
| Adkins | Hill |
| Alexander | Leonard |
| Bourne | Moore |
| Calvert | Newton |
| Collins | Quinn |
| Cowley | Roane |
| Craddock | Spears |
| Davison of Fisher | Stovall |
| Dunlap of Kleberg | Wood of Montague |
| England | Young |
| Graves | |

Absent—Excused

| | |
|------------------|---------|
| Butler of Brazos | Petsch |
| Hyder | Tillery |
| Olsen | Worley |

Question—Shall the amendment by Mr. Tennyson be adopted?

ADJOURNMENT

On motion of Mr. Adamson, the House, at 12:20 o'clock p. m., adjourned until 10 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:
Criminal Jurisprudence: House Bills Nos. 699 and 700.

Education: House Bill No. 320.

Insurance: House Bills Nos. 372 and 373.

Judicial Districts: House Bills Nos. 199 and 552.

Judiciary: House Bills Nos. 590 and 681.

Municipal and Private Corporations: House Bill No. 365.

Revenue and Taxation: House Bills Nos. 137, 248, and 250.

Privileges, Suffrage, and Elections: House Bill No. 70.

The Judiciary Committee filed an adverse report on House Bills Nos. 62 and 482.

The Committee on Insurance filed an adverse report, with a minority favorable, on House Bill No. 323.

THIRTY-SECOND DAY

(Friday, March 1, 1935)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Mr. Morse.

The roll was called, and the following members were present:

| | |
|-------------------|-------------------|
| Adamson | Huddleston |
| Adkins | Hunt |
| Aikin | Hunter |
| Alexander | Hyder |
| Alsup | Jackson |
| Ash | James |
| Atchison | Jefferson |
| Beck | Jones of Atascosa |
| Bergman | Jones of Falls |
| Bourne | Jones of Runnels |
| Bradbury | Jones of Shelby |
| Bradford | Jones of Wise |
| Broyles | Keele |
| Burton | King |
| Butler of Karnes | Knetsch |
| Cagle | Lange |
| Caldwell | Lanning |
| Calvert | Latham |
| Canon | Leath |
| Celaya | Lemens |
| Clayton | Leonard |
| Collins | Lindsey |
| Colquitt | Lotief |
| Cooper | Lucas |
| Cowley | Luker |
| Craddock | Mauritz |
| Crossley | McCalla |
| Daniel | McConnell |
| Davis | McFarland |
| Davison of Fisher | McKee |
| Davisson | McKinney |
| of Eastland | Moffett |
| Dickison | Moore |
| Dunagan | Morris |
| Dunlap of Hays | Morrison |
| Dunlap of Kleberg | Morse |
| Duvall | Newton |
| Dwyer | Nicholson |
| England | Olsen |
| Fain | Padgett |
| Farmer | Palmer |
| Fisher | Patterson |
| Fitzwater | Payne |
| Ford | Petsch |
| Fox | Pope |
| Fuchs | Quinn |
| Gibson | Reader |
| Glass | Reed of Bowie |
| Good | Reed of Dallas |
| Graves | Riddle |
| Gray | Roach of Angelina |
| Greathouse | Roach of Hunt |
| Hankamer | Roane |
| Harris of Archer | Roark |
| Harris of Dallas | Roberts |
| Hartzog | Rogers |
| Head | Russell |
| Herzik | Rutta |
| Hill | Scarborough |
| Hodges | Shofner |
| Hofheinz | Smith |
| Holland | Spears |
| Hoskins | Stanfield |
| Howard | Steward |

| | |
|----------|------------------|
| Stinson | Walker |
| Stovall | Wells |
| Tarwater | Westfall |
| Tennyson | Wood of Harrison |
| Thornton | Wood of Montague |
| Venable | Young |
| Waggoner | Youngblood |

Absent—Excused

| | |
|------------------|---------|
| Butler of Brazos | Settle |
| Colson | Tillery |
| Frazer | Worley |
| Hardin | |

A quorum was announced present.
Rev. Geo. W. Coltrin, Chaplain,
offered the following invocation:

"Our Heavenly Father, we are glad for the motto, 'In God We Trust.' May we today and at all times know that the State is blessed whose God is really Jehovah, and may we work helpfully because we work in line with the Divine will. Amen."

COMMUNICATION FROM HON.
COKE R. STEVENSON,
SPEAKER

The following communication from Hon. Coke R. Stevenson, Speaker, was ordered printed in the Journal:

House of Representatives
State of Texas

Austin, February 28, 1935.

Mrs. Louise Snow Phinney, Chief Clerk, House of Representatives, Austin, Texas.

Dear Madam: By the authority vested in me under Rule I, Section 10, of the Rules of the House of Representatives, Hon. Emmett Morse of Harris County is hereby appointed to preside during my absence.

Respectfully,

COKE R. STEVENSON,

Speaker of the House of Representatives.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Hardin for today, on motion of Mr. Huddleston.

Mr. Settle for today, on motion of Mr. Davison of Fisher.

Mr. Frazer for today, on motion of Mr. McKee.

The following member was granted leave of absence on account of illness:

Mr. Colson for today, on motion of Mr. Palmer.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Harris of Dallas (by request):

H. B. No. 705, A bill to be entitled "An Act amending Article 3886 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 220, of the General Laws of the Regular Session of the Forty-third Legislature, by adding thereto a separate article to be known as Article 3886e, making adequate provision for compensation of a court reporter to be appointed by the criminal district attorney in any county having a population in excess of one hundred and fifty thousand (150,000) and less than three hundred and fifty-five thousand (355,000) inhabitants, according to the last preceding Federal Census, and which alone constitutes two or more judicial districts, etc., and declaring an emergency."

Referred to Committee on Counties.

By Mr. Nicholson:

H. B. No. 706, A bill to be entitled "An Act to provide for the regulation and control of the manufacture of and traffic in alcoholic beverages, to establish a board and other administrative facilities for the purpose of administering said Act; defining the duties thereof, and making appropriation therefor; to provide system relative to licensing; to define certain offenses and the prescribed punishment thereof; repealing certain specified Acts, and all other laws and parts thereof in conflict, and declaring an emergency."

Referred to Committee on Liquor Traffic.

By Mr. Howard:

H. B. No. 707, A bill to be entitled "An Act to amend Article 5071 of the Revised Statutes of the State of Texas, 1925, by adding thereto a pro-

vision that with respect to payments heretofore or hereafter made, pursuant to contracts heretofore or hereafter executed, stipulating for a rate of interest which exceeds ten per cent per annum only in the event of or as a consequence of default or breach on the part of the debtor, the debtor's remedy of applying interest payments against principal shall be available only with respect to payments made within the two-year period immediately preceding the date upon which debtor invokes said remedy in a judicial proceeding, etc., and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Fisher:

H. B. No. 708, A bill to be entitled "An Act to be called Article 578a of the Code of Criminal Procedure of the State of Texas; and providing for an alternate juror in the trial of certain felony cases, providing for the qualifications and method of selection of such juror; making this Act cumulative of all other laws, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Scarborough:

H. B. No. 709, A bill to be entitled "An Act to fix the salaries and compensations of county commissioners in counties with a population of not less than 17,000, and not more than 17,100 population, according to the last Federal Census, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Calvert, Mr. Howard, and Mr. Cowley:

H. B. No. 710, A bill to be entitled "An Act further regulating and providing a means and method of securing service of process on Federal relief agencies operating and doing business in the State of Texas, including Federal Housing Administration, Home Owners Loan Corporation, any National mortgage association, any National mortgage savings and loan insurance corporation, created and or to be created by or under authority of an Act of the Congress of the United States of America, requiring such corporations and or agencies to designate and appoint a service agent, upon whom service of

process may be had, and declaring an emergency."

Referred to Committee on Judiciary.

By Mr. Calvert, Mr. Howard, and Mr. Cowley:

H. B. No. 711, A bill to be entitled "An Act exempting the State of Texas, any county in the State, any State department, or the head of any State department and corporations created, and or to be created, by or under authority of any Act of Congress of the United States of America as a National relief organization from giving security for costs or the posting of bond or bonds in securing any extraordinary writs in any action brought in their official capacity in the courts of this State; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Judiciary.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

On motion of Mr. Bradbury, the following proclamation by Hon. James V. Allred, Governor, was ordered printed in the Journal:

To All to Whom These Presents Shall Come:

Whereas, I am prompted by the noble motives of the members of the House of Representatives of the Forty-fourth Legislature, as expressed in House Simple Resolution No. 68, which was adopted on February 20, 1935, and having a firm belief in the power of prayer; and

Whereas, It is my humble opinion that among the finest experiences handed down by our revered forefathers, none has made a greater contribution to the peace and prosperity of our civilization than that of man's communion with his Maker. That notwithstanding, however varied our concepts of communion be, true citizenship has always held to the general belief in the practice and efficacy of prayer; and

Whereas, I firmly believe that if we are to think clearly and sympathetically, we must ever feel that the existing world order is too much for us and that life's needs are greater than our human supply and that life begins and is carried on in partnership with God; and

Whereas, It has been made certain that the days through which we have come and are now passing, as perhaps never before, have tested the life stuff of which our present civilization is made. Amid such conditions through which we are now passing and have passed, I believe that the people of Texas should do as the world builders before us have always done: "Draw near to God and keep faith with one another." And keep before us Israel's sweet psalm of challenge and comfort, "The earth is the Lord's and the fullness thereof and they that dwell therein." I believe this was the feeling in the hearts of the members of the lower House of the Texas Legislature when it passed the resolution requesting the Governor of Texas to proclaim throughout the State a day of prayer and fasting; and

Whereas, The keeping of a day of prayer and fasting should be interpreted to mean that there is a spiritual element in the recovery program of our Nation and State as fundamental and important as that of the material. I confidently believe that each and every citizen of our great State shall receive such a proclamation in the genuine spirit of gratitude to God and good will toward men.

Now, therefore, I, James V. Allred, Governor of the State of Texas, by virtue of the authority vested in me under the Constitution and laws of this State, do hereby declare the

Eighth Day of March, A. D. 1935,
a Day of Prayer and Fasting,

this day being the ninth World Prayer Day. I respectfully call upon the people of Texas wherever possible to keep the spirit of this proclamation that we may know the sovereign will of God for us during the reconstruction days ahead and prepare ourselves to the last degree possible to hear and obey His voice.

We are assured that God loves Texas. Let each and every one spend the day of March 8, A. D. 1935, assuring ourselves that all Texans love God.

In testimony whereof, I have hereunto signed my name officially and caused the Seal of State to be impressed hereon, at Austin, Texas, this

the 28th day of February, A. D. 1935.

JAMES V. ALLRED,
(Seal) Governor.

By the Governor:

GERALD C. MANN,
Secretary of State.

ADDITIONAL SIGNERS OF HOUSE BILL NO. 703

By unanimous consent of the House, the following members were authorized to sign House bill No. 703: Messrs. Fitzwater, Wood of Harrison, Davisson of Eastland, Glass, Alsup, and Fox.

HOUSE BILL NO. 403 WITH SEN- ATE AMENDMENTS

Mr. Stovall called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 403, A bill to be entitled "An Act amending Article 6049c, Sections 10 and 11, of the Revised Civil Statutes of 1925, as amended by the Acts of 1931, Forty-second Legislature, First Called Session, page 46, Chapter 26, relating to injunctions and/or restraining orders to be issued against the Railroad Commission of Texas; repealing all laws or parts of laws in conflict, and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

Mr. Stovall moved that the House concur in the Senate amendments.

Mr. Daniel moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two houses on the bill.

Question first recurring on the motion by Mr. Daniel, it was lost.

Question next recurring on the motion by Mr. Stovall, that the House concur in the Senate amendments, it prevailed by the following vote:

Yeas—114

| | |
|-----------|----------|
| Adamson | Atchison |
| Adkins | Beck |
| Aikin | Bergman |
| Alexander | Bourne |
| Alsup | Bradbury |
| Ash | Bradford |

| | |
|-------------------|------------------|
| Broyles | Jones of Wise |
| Burton | King |
| Butler of Karnes | Knetsch |
| Cagle | Lange |
| Caldwell | Lanning |
| Calvert | Latham |
| Canon | Lemens |
| Clayton | Lindsey |
| Collins | Lotief |
| Colquitt | Lucas |
| Cooper | Luker |
| Craddock | Mauritz |
| Davis | McCalla |
| Davison of Fisher | McConnell |
| Davison | McFarland |
| of Eastland | McKee |
| Dickison | McKinney |
| Dunlap of Hays | Moffett |
| Dunlap of Kleberg | Morrison |
| Dwyer | Newton |
| England | Nicholson |
| Fain | Padgett |
| Fisher | Palmer |
| Fitzwater | Patterson |
| Ford | Payne |
| Fox | Pope |
| Fuchs | Reed of Bowie |
| Gibson | Reed of Dallas |
| Glass | Riddle |
| Graves | Roach of Hunt |
| Gray | Roark |
| Hankamer | Rogers |
| Harris of Archer | Russell |
| Harris of Dallas | Rutta |
| Head | Scarborough |
| Herzik | Shofner |
| Hill | Smith |
| Hodges | Steward |
| Hofheinz | Stinson |
| Holland | Stovall |
| Hoskins | Tarwater |
| Howard | Tennyson |
| Huddleston | Thornton |
| Hunt | Venable |
| Hunter | Waggoner |
| Hyder | Walker |
| Jackson | Wells |
| James | Westfall |
| Jefferson | Wood of Harrison |
| Jones of Atascosa | Wood of Montague |
| Jones of Falls | Youngblood |
| Jones of Runnels | |

Nays—9

| | |
|-----------------|--------|
| Crossley | Keefe |
| Daniel | Leath |
| Farmer | Morris |
| Hartzog | Roane |
| Jones of Shelby | |

Absent

| | |
|---------|------------|
| Celaya | Greathouse |
| Cowley | Leonard |
| Dunagan | Moore |
| Duvall | Morse |
| Good | Olsen |

| | |
|-------------------|-----------|
| Petsch | Roberts |
| Quinn | Spears |
| Reader | Stanfield |
| Roach of Angelina | Yung |

Absent—Excused

| | |
|------------------|---------|
| Butler of Brazos | Settle |
| Colson | Tillery |
| Frazer | Worley |
| Hardin | |

REQUESTING RETURN OF HOUSE
CONCURRENT RESOLUTION
NO. 41

Mr. Youngblood offered the following resolution:

Whereas, House Concurrent Resolution No. 41 was passed out of the House yesterday morning without discussion or consideration; and

Whereas, It is desired by the House that corrections therein should be made; therefore, be it

Resolved by the House, That the Senate be requested to return said concurrent resolution to the House for further consideration.

YOUNGBLOOD,
McKEE,
BECK,
JEFFERSON.

The resolution was read second time.

(Pending consideration of the resolution, Mr. Head occupied the Chair temporarily.)

(Mr. Morse in the Chair.)

Mr. Alsup raised a point of order on further consideration of the resolution, on the ground that the time for consideration of resolutions has expired.

The Chair sustained the point of order.

CONSIDERATION OF HOUSE
JOINT RESOLUTION NO. 5

The Chair laid before the House, as unfinished business,

H. J. R. No. 5, Proposing an amendment to Section 1a of Article VIII of the Constitution of the State of Texas, exempting three thousand dollars (\$3,000) of the assessed taxable value of all residence homesteads, as now defined by law, from all State, county, city, town, district, and other political subdivision purposes, etc.;

The resolution having heretofore been read second time, with amendment by Mr. Tennyson, pending.

Mr. James moved the previous question on the pending amendment, amendments on the Speaker's desk, and the resolution, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Head moved the previous question on the pending amendment, amendments on the Speaker's desk, and the resolution, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

(Pending consideration of the amendment by Mr. Tennyson, Mr. Dunlap of Hays occupied the Chair temporarily.)

(Mr. Morse in the Chair.)

Question—Shall the amendment by Mr. Tennyson be adopted?

CONCERNING JOINT SESSION OF THE HOUSE AND SENATE TO CELEBRATE TEXAS IN- DEPENDENCE DAY

Mr. McConnell and Mr. Stinson, by unanimous consent, offered the following resolution:

H. C. R. No. 44, Relative to House Concurrent Resolution No. 42.

Whereas, On February 27, 1935, by House Concurrent Resolution No. 42, the House of Representatives and Senate of Texas resolved that a Joint Session of both houses be held at 11 a. m., March 2, 1935, for the purpose of memorializing and celebrating the achievements of the early patriots and pioneers of Texas, and the birthday of Texas Independence; and

Whereas, A committee of three was appointed from each house for the purpose of arranging a program for said celebration and said committee, in framing said program, found that it would be advisable and necessary for the Joint Session to convene at 10:30 o'clock a. m., instead of 11 a. m., in order to comply with the provisions of said resolution; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Joint Session of both houses provided for in said resolution be held

at 10:30 o'clock a. m., instead of 11 a. m.

The resolution was read second time, and was adopted.

PROVIDING JOINT SESSION OF HOUSE AND SENATE TO HEAR ADDRESS BY HON. JAMES V. ALLRED, GOVERNOR

Mr. Petsch, by unanimous consent, offered the following resolution:

H. C. R. No. 45, Providing for Joint Session of House and Senate to hear address by Hon. James V. Allred, Governor.

Be it resolved by the House of Representatives, the Senate concurring, That a Joint Session of the House and Senate be held at 10:30 o'clock a. m., on Monday, March 4, 1935, for the purpose of hearing Governor James V. Allred express his views on the subject of taxation.

The resolution was read second time, and was adopted.

EXTENDING HOLIDAY TO EM- PLOYEES OF THE HOUSE

Mr. Quinn, by unanimous consent, offered the following resolution:

Be it resolved by the House of Representatives of the State of Texas, that

Whereas, Saturday, the second day of March, 1935, is the ninety-ninth anniversary of the signing of the Declaration of Independence of Texas, and said date is a legal holiday, so designated as such by the statutes of our State; and

Whereas, Since the convening date of this session of the Legislature the stenographers and other employes of this House have rendered faithful and meritorious service, not only to the House of Representatives, but also to the State of Texas; and

Whereas, It is the desire of the employes of this House to take part in and enjoy the celebration of this holiday; now, therefore, be it

Resolved, That in the appreciation of the services rendered by all of the employes of this House, they are hereby excused from all duties on Saturday, the second day of March, 1935, and are hereby extended by the House of Representatives of the State of Texas an official holiday for said date.

All employes are to finish any work already given to them before taking advantage of the above-mentioned holiday.

QUINN,
CANON,
JONES of Wise,
THORNTON,
FRAZER,
COOPER,
WELLS.

The resolution was read second time, and was adopted.

RECESS

On motion of Mr. Westfall, the House, at 12 o'clock m., took recess to 10:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Agriculture: House Bill No. 463.
Appropriations: Senate Bill No. 50.
Constitutional Amendments: House Joint Resolution No. 1.
Counties: House Bill No. 548.
Highways and Motor Traffic: House Bill No. 585.
Insurance: House Bill No. 273.
Judiciary: House Bills Nos. 513, 514, 525, 530, 531, 532, 533, 534, 535, 537, 538, 539, 540, 541, 542, 543, 560, 635, 636, and 637.
Labor: House Bill No. 391.
Live Stock and Stock Raising: House Bills Nos. 577 and 696.
Oil, Gas, and Mining: House Bill No. 455.

The following committees have filed adverse reports on bills, as follows:

Judiciary: House Bills Nos. 524 and 526.
Live Stock and Stock Raising: House Bill No. 421.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, February 28, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 445, "An Act amending House Bill No. 226, Section 9, enacted by the Regular Session of the Forty-fourth Legislature, providing for the terms of the Special District Court of Gregg County, Texas, and declaring an emergency,"

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

THIRTY-SECOND DAY

(Continued)

(Saturday, March 2, 1935)

The House met at 10 o'clock a. m., and was called to order by Hon. R. E. Morse.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, March 2, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

H. C. R. No. 44, Changing the hour for the convening of the Joint Session of the House and Senate on Saturday, March 2, 1935, from 11 o'clock a. m. to 10:30 a. m.

H. C. R. No. 45, Providing for a Joint Session of the House and Senate to be held at 10:30 a. m., Monday, March 4, 1935, to hear Governor James V. Allred express his views on taxation.

Respectfully,
BOB BARKER,
Secretary of the Senate.

EXTENDING SYMPATHY OF THE HOUSE TO CALENDAR CLERK

Mr. Colquitt offered the following resolution:

Whereas, It has been brought to the attention of the membership of the House of Representatives of the Forty-fourth Legislature of the State of Texas, that Brooks Watson, the son of our beloved Calendar Clerk, was on last night seriously injured by an automobile in the City of Austin, Texas; and